IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 23317 of 1999

Between:

D.H.S.Reddy, S/o. Subba Rami Reddy,
Constable (under retirement)

Central Industrial Security Force R/o. 320/2-C,
B.H.E.L. Ramachandrapuram, Medak District

..... PETITIONER

AND

1 The Director General, Central Industrial Security Force,
Ministry of Home affairs, Block No.13,
C.G.O.Complex, Lodhi Road, New Delhi- 110 003.
2 The Asst. Inspector General (Administration), Office of the Director General,
Central Industrial Security Force, Block No.13,CGO Complex
Lodhi road, New Delhi-110 003.
3 The Commandant, Central Industrial Security Force, (Ministry of Home affairs), C.I.S.F. Unit, B.H.E.L.(R,), Hyderabad-32.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue a writ or order or direction particularly in the nature of Writ of Mandamus declaring the proceedings No.F-20099/CISF/BHEL/RMS/99-3928,dt.31.7.1999 of the 3rd respondent and proceedings E-41023/RMS/29/99-WEL-8496,dt,14-9-1999 of the 2nd respondent as arbitrary, illegal, irrational and unjust and contrary to sub-Rule VI of Rule 6 of the CISF RMS Fund Rules and to quash or ser aside the same and to issue consequential direction to the respondents to pay the RMS Benefits of the petitioner under Sub-Rule VI of Rule 6 of the CISF RMS Fund Rules,1997.

Counsel for the Petitioner: Mr.A.RAJENDRA BABU

Counsel for the Respondents: SMT.P.MADHAVI DEVI,Addl.SC for Central Government

The Court made the following :

ORAL ORDER:

By an Order dated 31-7-1999 passed by the 3rd respondent, the petitioner, who was medically invalidated, was sought to be paid an amount of Rs.24,317/- as the benefits under RMS Fund Rules,1997. By the said Proceedings, the petitioner was also given an option for drawal of medical pension at Rs.600/- per month for a period of 20 years, subject to the condition that he should surrender the said amount of Rs.24,317/- and further deposit a sum of Rs.20,683/- to make up the short fall of the targeted amount of Rs.45,000/- as provided under the Rules

The only grievance of the petitioner is that in the medical certificate issued by the Gandhi Hospital, Secunderabad on 14-8-1999, it was opined that he was suffering from Stiffness of right knee and fracture and was unable to attend the work and needs prolonged treatment, costly drugs and cent percent (100%) disability of the limb; therefore, he is entitled for the revised CISF Risk Premia-cum-Medical Assistance-cum-Savings as per the Scheme of 1997 apart from pensionary benefits. The very purpose of the scheme is to provide financial assistance to the families of the personnel, who died while in service and to those who are medically unfit and kept out of service on account of it. He has drawn the attention of this Court to clause 6(vi) of the said scheme reads as under:

> "(vi) In the case of a person INVALIDED OUT OF SERVICE WITH 100% DISABILITY, he/she will be granted a lumpsum amount of Rs.30,000/- and recurring medical pension of Rs.1000/- p.m. for 20 years without making any further contributions towards the scheme. In the event of his/her death during the currency of the recurring pension, the benefits will be payable to the next kin for the remaining period of initial sanction. The conditions laid down at Para-6(v) will be applicable to the NOK in this case also. Saving element as on date of leaving CISF with 12% compound interest, will also be paid as a lumpsum to the individual. The contributions made in the existing scheme will also be paid with rate of bonus applicable as on the date of leaving CISF."

and submitted that the petitioner is also entitled for RMS benefits i.e. lump sum of Rs.30,000/- since he had suffered 100% disability to the leg as per the said scheme.

On the contrary, learned Additional Standing Counsel for Central Government

drawn attention of the Court to clause 6(vii) of the said Scheme of 1977, which reads as under:

> "(vii) In the case of person INVALIDED OUT OF SERVICE WITH LESS THAN 100% DISABILITY, he will be granted a lumpsum amount of Rs.20,000/-. He will be refunded the Pension Element & Saving Element of subscriptions paid by him till the date of leaving CISF with 12% compounded interest. Subscriptions, if any, paid towards the existing scheme will also be paid with prescribed rate of bonus as on date of leaving CISF. No recurring medical pension will be paid to him, however, he will also have an option to opt for recurring medical pension @ Rs.600/- p.m. for 20 years by surrendering the lumpsum benefits and the refund of Pension Elements and Saving Elements and deposit the requisite amount, if required, to make up the shortfall of Rs.45,000/-."

and submitted that the petitioner will be entitled to grant an amount of Rs.20,000/- in lump sum since the medical invalidation is less than 100% disability though the disability is not defined under the scheme. Learned Additional Standing Counsel also drawn attention of the Court to the CCS (Extraordinary Pension) Rules, particularly Schedule I, Part I thereof, which contemplates contingency of 100% disability, which reads as under:

SCHEDULE I

{See Rule 3(3)}

Sl.No. Description of Injury Percentage of loss of earning capacity

PART I

List of Injuries deemed to result

In Permanent Total Disablement

1. Loss of both hands or amputation at higher sites 100

2. Loss of a hand and a foot 100

3. Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot 100

4. Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential 100

5. Very severe facial disfigurement 100

6. Absolute deafness 100

---

and submits that the case of the petitioner being only 100% disability of one limb i.e. leg, he is not entitled for payment of RMS benefits under clause 6(vi) of the Scheme, but he is entitled for benefits under clause 6(vii) thereof.

It is not in dispute that the disability suffered by the petitioner, which resulted in medical invalidation, was only 100% of one limb and not two limbs. A reading of Schedule I Part I of CCS (Extraordinary Pension) Rules and clause 6(vii) of the Scheme would make it clear that the petitioner is entitled for RMS benefits treating that his disability was less than 100%. Therefore, the impugned orders do not suffer from any illegality or irregularity. The writ petition is devoid of merits and liable to be dismissed. However, it is made clear that if the petitioner has already opted for the scheme as directed by the respondents, the same shall be considered and payment shall be made as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

Subject to the above observation, the writ petition is dismissed. No order as to costs.

09-9-2004.

prk

SPECIAL OFFICER

// TRUE COPY //

SECTION OFFICER

To

1 The Director General, Central Industrial Security Force,
Ministry of Home affairs, Block No.13,
C.G.O.Complex, Lodhi Road, New Delhi- 110 003.
2 The Asst. Inspector General (Administration), Office of the Director General,
Central Industrial Security Force, Block No.13,CGO Complex
Lodhi road, New Delhi-110 003.
3 The Commandant, Central Industrial Security Force, (Ministry of Home affairs), C.I.S.F. Unit, B.H.E.L.(R,), Hyderabad-32.

4. 2CD copies